

CHARITON COURIER.

C. P. VANOVER, Editor and Proprietor.

MAN WAS MADE TO HUSTLE.

TERMS: \$1.00 A YEAR IF PAID IN ADVANCE. IF NOT PAID IN ADVANCE, \$1.50.

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Memorial Day at Brunswick.

Monday was memorial day at Brunswick—the day appointed by law and custom on which the survivors and the descendants of those who went forth to battle for the cause of the general government in the civil war publicly decorate the graves of those who perished in the cause. These ceremonies are always under the direction and charge of the local post of the G. A. R., the general public attending on individual responsibility. Sometimes it happens that the orator for the occasion indulges in bitter and denunciatory speech of those who opposed them 32 years ago, from which cause it has come to pass that few of the old native population or their descendants are found in these gatherings. Memorial day at Brunswick this year, however, was free from unpleasant suggestions of this kind, and they are becoming more infrequent the further we recede from the fierce period from '61 to '65.

It is a sad commentary on the progress we are making toward the millennial period that we delight most in honoring and perpetuating the memory of those who have served their country on the tented field or lost their lives amid the noise and blood of "battle's magnificent stern array." It proves most conclusively the savage origin of the race and that the principles of peace and forgiveness, taught and exemplified in the life and death of the Savior, will be the very last lesson fallen man will learn. The services rendered to the state by the civilian have been no less useful and glorious than those achieved by the man of blood. The statesman who faithfully serves his country in the peaceful offices of the executive, legislative or judicial branches of the government, or the private citizen who from the toil of his brain or brawn contributes to the support of government, and raises a family of children to become useful citizens, is worthy of as high honor as he who jeopardizes his life in war. Both simply fill well the part to which they are called, and both are equally worthy of the grateful homage and memory of their country. If graves are to be decorated with sweet-scented blossoms at each returning flower time, why not decorate the graves of all good citizens alike—those who have perished with those who have consumed? In the one celebration all the citizens could take part, while the other restricts the ceremony to a part only of patriotic people. We merely put forth these observations as a civilian, who is jealous of the services rendered by his class and would see honor bestowed upon all the deserving without invidious distinctions. Yet, we confess, we have little hope that we shall live to see the day when this shall be done. During our generation, at least, we expect to see the "man of blood" receive homage and reward above him who has served his country just as faithfully and well in the peaceful walks of life.

We are indebted to the Brunswick Republican for the facts of the day's ceremonies.

Capt. L. Benecke, commander of the local G. A. R. post, was marshal of the day, assisted by Jno. Bachtel of Indian Grove post and Wm. Mullins of DeWitt post as aides.

Good music was furnished by the Forks of Chariton and Africa's Pride Brass bands of Brunswick.

Indian Grove and Miami posts were represented by several members. Delegates from New Franklin and Slater had started by boat, but finding they could not reach Brunswick in time abandoned the trip. Veterans from Triplett, Sumner and Mendon added to the auspiciousness of the celebration, and some two or three were present from Keytesville. Great credit is due Capt. Benecke, the chief marshal for the success of the parade and the entire day's performance.

We pause to remark parenthetically that a number of colored veterans

were on the streets of Brunswick in uniform, but not a single one of them appeared in line during the parade. We have no knowledge or information on which to form a belief whether this was by design of the white veterans or choice of the colored brother. Surely it could not have been from design on the part of the whites, since this Republican administration is showing such love for the colored brother by giving him post-office appointments in those southern communities where the pay of the office is not lucrative enough to tempt the cupidity of the white man.

At the cemetery the G. A. R. ritual services were held and the graves of departed soldiers strewn with beautiful flowers. The address of the day was made by Gen. B. M. Prentiss of Unionville, Putnam county. The address was short and eulogistic and did credit to the orator in that it avoided the invective and bitterness sometimes heard on such occasions.

At night the city hall was packed with a well-behaved and interested crowd to enjoy the musical and elocutionary part of the program, which brought Brunswick's best musical and elocutionary talent to the front. From here we quote from the *Republican*:

The opening chorus, "America," was well and harmoniously sung.

The solo, "Memorial Day," by Mrs. C. E. Lea, was deservedly encored.

"Emblems of Memorial Day," by the little Misses Amy Sasse, Louise Sasse and Hellen Fenstermaker, was very prettily recited.

The chorus, "Red, White and Blue," was well received and highly appreciated by the audience.

The duet, "The Wounded Soldier," by Mrs. C. E. Lea and Miss Dora Kinkhorst, was thrice encored by the audience. These ladies are fortunate possessors of voices that cannot fail to please the most critical.

A recitation by Miss Lillian Heisel entitled: "The Captain's Story," was well delivered and displayed rare talent in the young lady.

The solo, "Around the Camp Fire," by Miss Dora Kinkhorst, elicited much applause and a double encore.

The recitation, "It's Growing Dark," by Mrs. Benecke-Sasse, was a masterpiece of emotional portrayal, and the lady fully sustained her reputation as one of the foremost in dramatic effort. By special request she recited "You Put no Flowers on Papa's Grave," which not only elicited applause, but caused tears to trickle down the cheeks of many veterans and others who were unused to weep.

Pretty little Alberta Knappenberger, granddaughter of Capt. J. J. Heisel, brought down the house with her little songs and an obeisance that is beyond imitation.

Gen. Prentiss addressed the audience for half an hour, giving reminiscences of the late war. The entertainment closed with the singing of "Nearer, My God, to Thee," at the conclusion of which the general descended from the stage and shook the hands of hundreds who desired the privilege.

Thus ended memorial day in Brunswick.

Salt Water is Water.

"Manuel Dearmin against Henry Schnell" was the title of a suit tried at the July, 1896, term of the Howard county circuit court. Dearmin is a well digger, residing near Brunswick, this county, and is well known to many of our readers. Schnell, a farmer and gardener, lives near Glasgow, Howard county. The suit was brought to recover the contract price of a certain well, 413 feet deep, bored by plaintiff for defendant on Schnell's farm, and also the value of certain casing, alleged to have been furnished by Dearmin at Schnell's request.

The petition was in two counts, the first relating to the boring of the well, the second to the casing furnished by plaintiff.

The contract provided for the boring and drilling of the well at a stipu-

lated price per foot for the various kinds of work and plaintiff agreeing to furnish 30 barrels of water per day or no pay. Plaintiff claimed he was simply to furnish so much water per day, regardless of quality, while defendant held that the water furnished was not a compliance with the contract, because the same was salt water, and unsuited for the purposes for which he wanted it—irrigating garden vegetation.

At the conclusion of the testimony for plaintiff, the court, at the instance of defendant, gave the following instruction:

"The jury are instructed that the written contract read in evidence was not complied with by furnishing 30 barrels of salt water per day, and under the evidence the verdict must be for defendant."

Thereupon plaintiff took a non-suit with leave to move to set the same aside. This he did without success and appealed to the Kansas City court of appeals on the first count of the petition, having dismissed as to the second count.

On appeal, plaintiff assigned seven errors committed by the court in the trial of the case, but the main stress seems to have been laid on the error committed in the instruction above quoted, in which it was declared that the furnishing of 30 barrels of salt water was not compliance with the terms of the contract. On this point plaintiff's attorneys in the brief and argument deal in some telling satire. Quoting:

"To hold that the plain and obvious meaning of the word 'water,' as employed in this contract, is to be controlled or changed by the circumstance that defendant is a gardener, who desired fresh water for his vegetables, would impose upon plaintiff under a like contract the duty of producing distilled water, in case he should sink a well at the back door of an apothecary shop; while nothing short of the flow of aqua vitae would satisfy the stern demands of discriminating justice. were he ever to contract to bore a hole in a Kentuckian's mint patch."

The case was submitted to the court of appeals several weeks ago, upon the briefs and on Monday last the court rendered its decision reversing the judgment of the lower court and remanding the case for new trial.

Plaintiff was ably represented by C. B. Crawley of this place and O. S. Barton of Glasgow, and defendant was no less ably represented by Hon. Thos. Shackelford and R. B. Caples of Glasgow and William Williams of Booneville.

Mr. Dearmin is a hard-working and worthy poor man, and we rejoice for his sake that his attorneys have enabled the higher court to take the same view of the law with themselves. The loss of the case would have been quite a serious blow to plaintiff as failure meant the loss of nearly \$1,000.

The Milton Jackson Estate.

Thos. E. Mackay, by authority as public administrator, has taken charge of the estate of Milton G. Jackson, who died May 12th, 1897, at his residence, five miles southeast of Brunswick.

On the 25th day of May, Mr. Mackay, learning that he was legally entitled under the law to the administration, took charge of the estate and filed the legal notice. A few days thereafter, about May 28th, search was made among the papers of the late Willis H. Plunkett of Brunswick, who had transacted during his life much business for Mr. Jackson, and a will, dated in September, 1873, was found. This will divided the estate between his two sons and his wife, and made one of the sons executor without bond. Many years ago both of these sons left Missouri for the West, and are now, one of them, a citizen of Colorado and the other of Washington. Under our law this disqualifies the son named as executor by the will from serving in that capacity, and there being no beneficiaries under the will or legal heirs of

deceased living in the state, the administration falls to Mr. Mackay as public administrator.

Last Monday, John M. Jackson, the son who lives in Colorado, appeared in probate court by his attorneys, J. C. Wallace and J. P. S. Rader, and asked that the estate be taken out of the hands of the public administrator, and that James Agee, a step-son of Mr. Jackson, be appointed to execute the provisions of the will.

Judge Minter has decided the case in Mr. Mackay's favor, appointing him administrator with the will annexed. The beneficiaries under the will have appealed to the circuit court.

Criminal Matters.

Business in the criminal line before the judges and his honor, the "mar," has been dull and stationary during the past week, and the few transactions that have taken place were of the minor order.

The case of the western part of the city was slightly fractured May 16th by the whipping of Brent, a 7-year-old boy of Ben Gardner, by Mrs. Lottie Ward, assisted by Lamb Bradford, et al. The "Lamb" caught the game and Mrs. Ward did the "dressing." It was some time after the occurrence before any arrests were made, when complaint was filed before the mayor, charging Mrs. Ward and Lamb with assault. Mrs. Ward at once pleaded guilty and was fined \$1. Lamb was not to be caught so easily and pleaded not guilty, and being tried by a jury of her "peers" got the same stung fine of \$1. This did not satisfy her, and upon the advice of her attorneys, L. N. Dempsey, Judge J. C. Crawford and Col. Ray, she took an appeal to circuit court, the bond for appearance in the sum of \$100 being signed by J. C. Crawley and Blair Miller.

This action, not appearing to the scrutinizing eyes of justice to restore the equilibrium, a warrant, founded on a complaint against Ben Gardner, charging him with disturbing the peace by cursing Mrs. Ward for the whipping of the boy, was issued and that gentleman was also arraigned before the mayor. Before the case was called the negro woman who had promised to help do the swearing that should convict the defendant "jined" the "know-nothings," and the authorities, deeming it unsafe to go into the prosecution with but a single witness, Mrs. Lottie Ward, dismissed the case.

Clark Ward is under arrest for whipping Elmer Williams, col., and cursing him on a public street last Sunday. Fishing is good just now and Clark has not yet found time from his piscatorial duties to attend any session of Mayor Knaus' court, hence his case is still pending. As Clark avows his intention to appeal the case to circuit court in the event of conviction, it is just as well probably that the case linger until after the Salisbury term so that, if such a course becomes necessary, it can be appealed to the October term at Keytesville. This will save all the witnesses the expense of appearing at Salisbury an indefinite number of times.

The state vs. James Leach, col., is the title of a case dismissed in Squire Wheeler's court last Saturday. Jim lives out in the neighborhood of Bethany, and a short time ago in the discharge of his duties as "head of the house" found it necessary to correct one of the members thereof—a sister—by administering to her a gentle whipping, only using sufficient force to re-assert his challenged authority. The prosecuting attorney must have taken this view of the matter, as he entered a *nolle prosequi* when the case was called.

Prosecuting Attorney Collet went to

"What's a Trade-Mark?"

It's a mark, or name, or a picture on anything, put there by the maker, to prevent any dishonest competitor from trading on his good name. It's a good idea. When anyone makes a thing that is good, or honest, or whatever he claims it to be, and he spends his good, elegant money in advertising it, and gets a reputation for it, a demand for it, he should be protected against other men trying to sell something inferior (for imitations are always inferior) under a similar name calculated to mislead. That's why about everything *United Brand* on any

thing, hat, collar, shirts, coat, overalls, jeans or any new thing, means that it will wear. We've spent a good share of our profits selling things cheap to advertise that fact—and when you buy anything with that name on, be sure that it is United Brand, and that the sign over the door is Herbert White—and we'll do the rest. There are no Overalls in this world that are any better—made of any better goods or that will wear any better than Wabash Overalls. It's the same with Jeans Pants, Duck Coats, Work Shirts, and all sorts of work clothes—they are all built for wear. If they have Wabash on the ticket that's just as good as if the government gave you a deed to 'em and a guarantee of satisfaction.

HERBERT WHITE,
MEN'S FURNISHER.
KEYTESVILLE, MO.

Shannondale last Tuesday to prosecute

a case in Squire W. N. Hamilton's court of the state against Henry Keeting, a blacksmith at that place, and a brother to "our Tony," who was charged with felonious assault with a shot-gun upon George Wilkinson.

Also on the stand, Mr. Collet promptly dismissed the case against the defendant, being convinced that he had only acted in self-defense, and that the swearing out of the warrant by Wilkinson against Keeting was prompted purely by malice.

It seems that Wilkinson owed Keeting an account, and that when Keeting asked him to pay it, Wilkinson accused Keeting of having offered an indignity to Mrs. Wilkinson, whereupon Keeting called Wilkinson a d—d liar.

Wilkinson then threatened "to do him up," and turned and went into his house as did also Keeting into his house. Keeting soon re-appeared and took a stand on his back porch, shot-gun in hand, prepared to defend himself in case Wilkinson attempted to carry his threat into execution.

As Keeting, according to Wilkinson's own testimony, made no attempt whatever to use the gun, there was nothing left for Mr. Collet except to dismiss the case.

We frequently hear the whipping post advocated as a panacea for petty offenses against the peace and dignity of the state, but in this particular case the facts would indicate that the whipping is more deserved by the prosecuting witness than by the defendant.

Prosecuting Attorney Collet goes to Sumner next Tuesday to prosecute the case against John McKean, who was arrested last Wednesday upon a warrant sworn out by Jos. L. Guffey before Squire F. M. Lewis, charging McKean with disturbing the peace of the affiant by loud and unusual noise, indecent and offensive conversation, and by threatening, quarreling and fighting. We are not advised as to the nature of the differences between Guffey and McKean, which caused the latter to disturb the former's peace.

Marriage Licenses.

Bailey B. Barrett and Miss Winnie Martin, both of Keytesville; D. E. Shonkwiler and Miss Missie E. Check, both of Triplett; J. L. Harris and Miss Mary Check, both of Triplett; Ernest P. Miles of Hamden and Miss Nannie Moorman of Snapp; S. J. Bills and Miss Mary Eidson, both of Mike.

Small Fry Law-Suits.

Under the above caption the Court of April 21st noticed a law-suit that had been begun before Squire H. J. Webber of Missouri township by W. T. Leach against Robert P. Leach. Our statement of the case was only what we had learned from plaintiff's attorney and was necessarily *ex parte*. We desire to do equal justice to both sides and hence we this week give defendant's version.

About Christmas time, 1895, Robt. P. Leach, who had been a private in the U. S. regular army and stationed at Washington, D. C., received his discharge and returned home. At that time W. T., his brother, was living with their mother at her home on the farm in Missouri township. It is alleged that W. T. treated his mother, who is an invalid from consumption, very badly, and that the mother, tiring of his undutiful behavior, requested him to find another home. This he did. A short time thereafter Robert married and on the invitation of his mother came with his bride to live with and care for her while W. T. still cultivated the farm, but having his domicile on an adjoining farm. All this happened in the spring of 1896. Robert never had any contract for possession nor does he claim possession nor any interest in the land. And neither has W. T. ever had any possession or right to possession of the dwelling by or through any title to the land or written or even verbal contract for rent or lease of the land from his mother, in whom all the title rests.

When the case was called in Squire Webber's court May 29th defendant, on proper affidavit, was granted a change of venue to Squire DeMoss' court. Plaintiff is represented by L. N. Dempsey and Capt. J. C. Wallace, and defendant by J. P. Shaughnessy.

Small Judicial Gists.

Jno. Welch has brought two replevin suits before Squire J. M. DeMoss of Keytesville for the recovery of lumber sawed from logs he took to the saw-mill of Ernest Powell, and which, he alleges, is his property. Powell having wrongfully and without authority sold it to L. A. Embree, street commissioner of Keytesville, and to G. B. Hurt. These cases are set for hearing, tomorrow, June 5th.

Mrs. Ardenia Hayes last Saturday before Squire DeMoss obtained judgment against Travis Hayes for the value of a pair of mules and to enforce vendor's lien against said mules. Travis is a gentleman of color, and was formerly a slave in the Hayes family. Two years ago Mrs. Hayes sold him the span of mules on credit, and by this action sought to recover their value by enforcing a vendor's lien.